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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/257,209	02/25/1999	KATSUHIRO OCHIAI	040447-0186	1872

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EXAMINER

CHUNG, JASON J

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/23/2002

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/257,209

Applicant(s)

OCHIAI, KATSUHIRO

Examiner

Jason J. Chung

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 11-27,30-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-10, 28, and 29 in Paper No. 6 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the preamble as recited in claim 2 recites the "broadcast storing and reproducing apparatus as claimed in claim 1", however claim 1 preamble recites "broadcast storing and displaying apparatus" which is in contradiction to each other. Appropriate correction is required.

Regarding claim 4, the preamble as recited in claim 4 recites the "broadcast storing and reproducing apparatus as claimed in claim 3", however claim 1 preamble recites "broadcast storing and displaying apparatus" which is in contradiction to each other. Appropriate correction is required.

Claim Rejections - 35 USC § 102

Art Unit: 2611

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-10, 28, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwamura.

Regarding claim 1, Iwamura discloses a DVD player 900, mini disc player 902, and digital VCRs 903, 904 (figure 10), which store broadcasts and are plural types of video apparatuses connected to a network. Iwamura discloses a TV/Audio 906, which displays broadcasts (figure 10). Iwamura discloses a network (column 3, lines 2-6). Iwamura discloses a topology map that can be generated by a receiver or by a TV set (column 3, lines 24-29), which is the network management apparatus connected to a network. Iwamura discloses a computer storing the identification packets that corresponds to the port status bits (column 5, lines 25-32), which is the same as storing the states of plural types of video apparatuses. Iwamura discloses a user inquiring about a video apparatus and the video apparatus will transmit the state to the topology map, which is the same as plural types of video apparatuses transmitting their states to

the network management apparatus (column 9, lines 1-12). Since the user inquires about the state of a video apparatus, Iwamura inherently discloses each of the plural types of video apparatuses inquiring about other video apparatuses to the network management apparatus because all the video apparatuses are connected to the network management apparatus. The user can then decide to record video that is playing from one video apparatus into another video apparatus (column 8, lines 39-42), which is the same as determining a video apparatus to be a communication partner.

Regarding claim 2, Iwamura discloses a plurality of the same digital VCR's 903, 904 connected to a network (figure 10).

Regarding claim 3, the limitations on claim 3 have been covered in claim 1 rejection. However, claim 1 says the states are obtained from network management apparatus, whereas in claim 3, the states are obtained from other video apparatuses. Iwamura discloses video devices communicating by having signals flowing between one another, which is the same as a video apparatus determining a communication partner based on the states of other video apparatuses obtained from other video apparatuses (column 8, lines 57-65).

Regarding claim 4, the limitations on claim 4 have been covered in claim 2 rejection.

Regarding claim 5, the limitations on claim 5 have been covered in claim 1 rejection.

Regarding claim 6, the limitations on claim 6 have been covered in claim 2 rejection.

Regarding claim 7, the limitations on claim 7 have been covered in claim 1 rejection.

Regarding claim 8, the limitations on claim 8 have been covered in claim 2 rejection.

Regarding claim 9, the limitations on claim 9 have been covered in claim 3 rejection.

Regarding claim 10, the limitations on claim 10 have been covered in claim 2 rejection.

Regarding claim 28, Iwamura discloses a digital satellite system integrated receiver decoder 905 (figure 10 and column 8, lines 34-35), which is the same as a broadcast receiving apparatus and component. Iwamura discloses a DVD player 900, mini disc player 902, and digital VCRs 903, 904 (figure 10), which store broadcasts. Iwamura discloses a topology map that can be generated by a receiver or by a TV set (column 3, lines 24-29), which is the managing component. Iwamura discloses an IEEE 1394 network for connecting the previously disclosed components (column 3, lines 20-33). The limitation for broadcast storing components sending states to the managing component has been covered in claim 1 rejection. The limitations for the managing component storing states have been covered in claim 1 rejection. Iwamura discloses the user retrieving device information by pressing an INFO button, then the DSS IRD (receiver) sends information to the storing device to display information (states) on the selected storing device to be displayed on the topology map (column 8, line 66-column 9, line 12), which is the same as a broadcast receiving component selecting one or more broadcasts from broadcast storing components on the basis of the states obtained from the network.

Regarding claim 29, the limitations on claim 29 have been covered in claim 28 rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hermann discloses broadcast storing, receiving, and displaying apparatuses connected on a network in US Patent # 4,885,803. Eggers discloses broadcast storing, receiving, and displaying apparatuses connected on a network in US Patent # 4,920,432. Hermann discloses broadcast storing, receiving, and displaying apparatuses connected on a network in US

Art Unit: 2611


Patent # 5,500,794. Tanaka discloses broadcast storing, receiving, and displaying apparatuses connected on a network in US Patent # 5,598,278. Sato discloses a broadcast storing, receiving, and displaying apparatus connected on a network in US Patent # 5,802,017. Lownes discloses a broadcast storing, receiving, and displaying apparatus connected on a network in US Patent # 6,137,539. Humpleman discloses broadcast storing, receiving, and displaying apparatuses connected on a network in US Patent # 6,188,397. Ludke discloses broadcast storing, receiving, and displaying apparatuses connected on a network in US Patent # 6,202,210.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Chung whose telephone number is (703) 305-7362. The examiner can normally be reached on M-F, 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

JJC
October 10, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600